

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

EDDIE W DAVIS
281 BRUSH CREEK RD
BRUSH CREEK, TN 38547
SSN XXX-XX-4204

CASE NO. 15-00841-CW2-13
JUDGE CHARLES M WALKER

THE DEADLINE FOR FILING A TIMELY RESPONSE IS 10/27/2016.

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 11/10/2016 AT 9:30 AM FEDERAL BLDG & POST OFFICE, 9 BROAD STREET, COOKEVILLE, TN , 38501.

NOTICE OF MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding .

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

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EDDIE W DAVIS
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Case No.15-00841-CW2-13
JUDGE CHARLES M WALKER

SSN XXX-XX-4204

10/06/2016

MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN

The Trustee in this case states that the debtor is in material default with respect to the terms of the plan as confirmed by this Court in that the payments by or for the debtor to the Trustee have not been made as proposed.

The confirmed plan required the debtor(s) to pay the Trustee as follows:

\$854.00 BI-WEEKLY

The records of the Trustee show receipts from the debtor(s) in the past three months as follows:

| | | | | | |
|-------------|---------|-------------|---------|-------------|---------|
| [07/15/2016 | 464.08] | [07/28/2016 | 759.41] | [08/12/2016 | 606.27] |
| [09/06/2016 | 131.39] | [09/23/2016 | 854.00] | | |

Wherefore the Trustee moves that the subject case be dismissed pursuant to 11 U.S.C. 1307(c)(6).

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on EDDIE W DAVIS, 281 Brush Creek Rd, Brush Creek, TN 38547 and STEVEN L LEFKOVITZ, 618 Church Street Ste 410, Nashville, TN 37219; and by email by Electronic Case Noticing to Ms Beth R Derrick, Assistant US Trustee, and STEVEN L LEFKOVITZ, Debtor's counsel on this 6th day of October, 2016.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Chapter 13 Trustee

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**ORDER DISMISSING CHAPTER 13 PETITION
FOR NON-COMPLIANCE**

Pursuant to the Chapter 13 petition and plan filed with this court, the debtor (s) was ordered to pay the Chapter 13 Trustee a specified portion of the future income through a payroll deduction or by a direct payment . There being no response to the Trustee's motion within the time prescribed by Local Rule 9013-1 (a), the Trustee's motion is uncontested. It is therefore,

Ordered that the Chapter 13 petition is dismissed for failure of the debtor to abide by the orders of this court; It is further,

Ordered that in the event the Trustee has not received funds sufficient to pay the required filing fee, and if that fee has not otherwise been paid, the debtor shall immediately transmit the amount to the clerk of the Bankruptcy Court . In no event shall the debtor fail to make this payment later than thirty (30) days from the date of this order .

APPROVED:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
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THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.